

REMARKS

By this amendment, claims 12, 14, 15, 17, 47 and 48 are canceled and claims 49, 50 and 52 are amended as discussed below to recite allowable subject matter. Claims 49-54 are pending. No issue of new matter arises.

Rejections under 35 U.S.C. §112, first paragraph

Claims 49-54 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claims are amended in accordance with the Examiner's indication at page three, lines 2 and 3 from bottom: "the specification adequately supports claims to an antisense oligonucleotide comprising SEQ ID NO:2". Claims 49, 50 and 52 are amended in accordance with this suggestion. Claims 51, 53 and 54 incorporate by reference subject matter of claim 50, the independent claim from which they ultimately depend. Reconsideration and withdrawal of this objection are respectfully requested.

Rejections under 35 U.S.C. §103

Claims 12, 14, 15, 17, 47 and 48 were rejected under 35 U.S.C. §103 over Bailleul (2003), Agrawal, Tang, Taylor, Bennet and Baracchini. To expedite allowance, claims 12, 14, 15, 17, 47 and 48 are canceled. Reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

Entry of the amendment is proper under 37 C.F.R. §1.116 because the amendments a) place the application in condition for allowance; b) do not raise new issues requiring further search and/or consideration; c) comply with a suggestion made in the Office Action; and/or d) place the application in better condition for appeal should an appeal be necessary.

In view of the above amendments and remarks, Applicants respectfully submit that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. If the Examiner wishes to suggest additional amendment that might put the application in even better condition for allowance he is invited to contact Applicants' representative at the telephone number listed below.

Fees

No fees not otherwise provided for are believed necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,

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